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Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington DC 20005

In re Application of:
LEE, CHUNG-JEON et al
Serial No.: 10/798,577
Filed: March 12, 2004
Docket: P57047
Title: BUBBLE-JET TYPE INK-JET
PRINTHEAD

DECISION ON PETITION TO
REVIEW RESTRICTION
REQUIREMENT UNDER
37 CFR 1.144

This is a decision on the petition filed May 22, 2006, to review the restriction requirement issued on Dec. 6, 2005.

The petition is **dismissed as moot**.

In his January May 22, 2006 petition the applicant requested the withdrawal of the restriction requirement issued on Dec. 6, 2005.

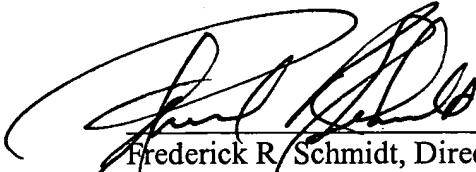
The record shows that:

- 1) On Dec. 6, 2005 the examiner imposed a restriction requirement. The applicant was requested to elect one of two groups of invention. The examiner concluded the groups are distinct because they were "subcombinations disclosed as usable together."
- 2) On Jan. 6, 2006, the applicant elected Group II invention, claims 39-46 for examination with traverse. In particular, the applicant argued that the two groups are drawn to same invention with different embodiments
- 3) On Feb. 23, 2006, the examiner issued a first Office action on the merits and made the restriction requirement final.
- 4) On May 22, 2006 the applicant filed the present petition requesting that the restriction requirement be withdraw.
- 5) On Sept. 8, 2006, the examiner reconsidered the applicant's arguments and issued a new Office action with withdrawal of the restriction requirement of Dec 6, 2005. The new office action will be mailed in due course.

Application Serial No. 10/798,577
Decision on Petition

In view of the history of the application, the relief the applicant requested, namely the withdrawal of the restriction requirement of the Dec. 6, 2005, has already occurred. Accordingly, the petition is dismissed as moot.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.



Frederick R. Schmidt, Director
Technology Center 3700